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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,801	08/03/2001	Taher Elgamal	06975-193002	8214

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EXAMINER
KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 April 2004</u>.

2a)☒ This action is **FINAL**.　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>31-48</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>31-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date <u>5</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 4/19/04 (Paper No. 6). Original

application contained Claims 1-4. Applicant added Claims 31-48, cancelled Claims 1-4. The

amendment filed on 4/19/04 have been entered and made of record. Therefore, presently pending

claims are 31-48.

Response to Arguments

Applicant's arguments filed 4/19/04 have been fully considered but they are not

persuasive due to the new grounds of rejection given below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 31 and 40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

The claim discloses "...accessing a policy file that reflects a <u>state</u> associated with the

policy file..." It is indefinite as to whether the applicant means the state, condition of the policy

as evidenced in the specification Page 5 lines 19-29, or the state, the country associated with the

policy as evidenced in the specification Page 10 lines 13-18.

To expedite a complete examination of the instant application definition that the office

will take is that state refers to the country associated with the policy.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 31, 38-39, 40, and 47-48 rejected under 35 U.S.C. 103(a) as being unpatentable

over Klemba et al (5,651,068).

In reference to claim 31 and 40, Klemba an apparatus and method for controlling

cryptographic functions of an application program wherein the processor is configured to access

a policy that reflects a state associated with the policy (column 6 line 20 in combination with

column 7 lines 19-24) and that includes an attribute portion configured to store one or more

cryptographic policy attributes and a value portion having one or more attribute values, each

attribute value corresponding to a cryptographic policy attribute and indicating whether an

application program may use the cryptographic policy represented by the cryptographic policy

attribute (column 6 lines 16-46). The information provided by the NFC during the initialization

messages indicates attributes used by the policy. Further the processor selectively retrieves at

least one of encryption information and decryption information from the policy file (column 6

line 58 to column7 line 18). The NFC retrieves the encryption algorithm for the CU to carry out

the encryption (column 6 lines 27) and a back door for a third party to decrypt (column 7 lines 1-

16). Further the processor selectively processes the retrieved encryption information and

decryption information from the policy file in accordance with a predetermined capability

condition and provides at least one of allowable encryption levels and decryption levels to the

application program (column 5 lines 47-55).

Although Klemba discloses a cryptographic policy that collects data, Klemba does not

expressly disclose that the policy is a file.

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to describe the policy in the NFC of Klemba as the claimed policy file. One of

ordinary skill in the art would have been motivated to do this because a file is a collection of data

and the information stored on the NFC is a collection of data that is used by the CU.

In reference to claims 38 and 47, wherein each of the cryptographic policy attributes an

indication of the cryptographic capabilities of the application program (column 5 lines 31-46),

and each of the attribute values is one of a string, an integer number, and a truth expression

(column 6 lines 16-45).

In reference to claims 39 and 48, wherein the truth expression is one of a true flag, a false

flag, and a conditional flag (column 6 lines 16-46).

Claims 32-33 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Klemba as applied to claims 31 and 40 above, and further in view of Anderl et al (WO

87/07063).

Klemba does not expressly disclose the policy file comprising a JAVA archive file..

Anderl discloses the storage of multiple files on a smart card (page 2 lines 19-29). JAR

files are Java class files. A smart card can contain multiple files as evidenced by Anderl;

therefore can contain JAR files. The JAR files may contain digital signatures which are used for security as the files in Anderl that are credentials used for security.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to keep multiple files as in the file of Anderl in the system of Klemba. One of ordinary skill in the art would have been motivated to do this because the amount of files stored in a smart card is only limited by the amount of memory made available in the smart card. In addition the policy of Klemba can be divided into sub domain and files are a convenient method of organizing data.

In reference to claims 33 and 42, wherein the policy file comprises multiple component files, at least one of the component files storing some of the attribute portions and attribute values.

Although Klemba discloses the a states policies having sub domains (column 5 lines 31-55), Klemba does not discloses the policy being stored in multiple files

Anderl discloses the storage of multiple files on a smart card (page 2 lines 19-29).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to keep multiple files as in the file of Anderl in the system of Klemba. One of ordinary skill in the art would have been motivated to do this because the amount of files stored in a smart card is only limited by the amount of memory made available in the smart card. In addition the policy of Klemba can be divided into sub domain and files are a convenient method of organizing data.

Claims 36-37 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemba as applied to claims 31 and 40 above, and further in view of and Schneier.

In reference to claims 36 and 45, although Klemba discloses the authentication of the NFC with the NCC and therefore a form of security, Klemba does not disclose a form of security including a digital signature portion including at least one digital certificate for ensuring that the policy file has not been modified.

Schneier discloses the use of digital signatures to secure documents and make them unalterable (page 37 and 38)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use digital signatures as in Schneier to secure the policies of Klemba. One of ordinary skill in the art would have been motivated to do this because it would ensure that the policy has not been altered and therefore encryption that is illegal in that nation-X is discouraged.

In reference to claims 37 and 46, wherein the signature portion applies to the policy file. The signature disclosed by Schneier refers to the part of the document that should not be altered in this case it would include the policy.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after
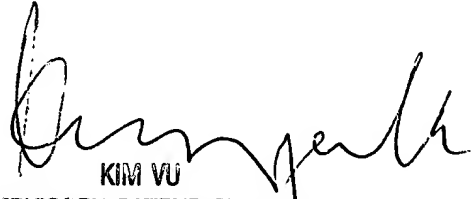
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paula W Klimach whose telephone number is (703) 305-8421.

The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Monday, July 12, 2004

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100